

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on the following motions:

1. Defendant's motion to seal portions of Defendant's Motion and Memorandum to Amend the Scheduling Order; and
2. Plaintiff's motion to seal portions of Defendant's Motion and Memorandum to Amend the Scheduling Order and Plaintiff's Reply to Defendant's Motion for Leave to File a Reply in Support of its Motion for Sanctions.

The parties seek to seal this information on the ground it contains confidential business and technical information, including information concerning the parties' business relationships, third parties' processes for the manufacture of azoxystrobin, and Plaintiff's azoxystrobin business. (Def.'s Mot. Seal [DE #614] at 1-2; Pl.'s Mot. Seal [DE #619] at 1.) Where appropriate, the parties have filed proposed redacted versions of the documents, omitting the portions they contend should not be available to the public.

For the reasons set forth in the parties' motions and supporting memoranda, the court finds that the public's common law right of access is outweighed by the interests of the parties and third parties in protecting against competitive and/or financial harm were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of the requests to seal and a reasonable opportunity to object have been provided by the filing of the parties' motions. Defendant filed an unopposed motion for leave to file a response in opposition to Plaintiff's motion to seal (*see* Mot. Leave [DE #631], but it has since withdrawn its opposition to Plaintiff's motion to seal (*see* Jt. Stip. Dismissal [DE #655] at 1 (withdrawing opposition to Plaintiff's motions to seal)) and no other objections have been filed with the court. The parties have narrowly tailored their requests to remove only information that is sensitive and confidential and not otherwise publicly known. Furthermore, the parties have since settled all matters in controversy between them. Consequently, the sealed information will not be the subject of any ruling by the court. The parties' motions are therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:


1. Defendant's Motion to Seal Defendant's Motion and Memorandum to Amend the Scheduling Order [DE #614] is GRANTED;
2. Plaintiff's Motion to Seal Defendant's Motion and Memorandum to Amend the Scheduling Order and Plaintiff's Reply to Defendant's Motion for Leave to File a Reply in Support of its Motion for Sanctions. [DE #619] is GRANTED; and

3. The following documents shall be SEALED:

a. Defendant's Motion and Memorandum to Amend the Scheduling Order [DE ##609, 615]. A redacted version is available at DE #620-3; and

b. Plaintiff's Reply to Defendant's Motion for Leave to File a Reply in Support of its Motion for Sanctions [DE #618]. A redacted version is available at DE #620-4.

This 29th day of December 2022.


KIMBERLY A. SWANK
United States Magistrate Judge